



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,977	08/19/2003	Gordon R. Coates	7325	6361

7590 02/17/2004

Paul M. Denk
763 S. New Ballas Road
St. Louis, MO 63141

EXAMINER

HEWITT, JAMES M

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/644,977

Applicant(s)

COATES, GORDON R. *CH*

Examiner

James M Hewitt

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☒ Claim(s) 1-10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/9/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

If applicant desires priority under 35 U.S.C. 119(e) based upon a previously filed application, specific reference to the earlier filed application must be made in the instant application. This should appear as the first sentence of the specification following the title, preferably as a separate paragraph unless it appears in an application data sheet.

If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A priority claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed claim for priority under 35 U.S.C. 119(e),

Art Unit: 3679

120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "3" has been used to designate both the shoulder and hose, and the reference character "25" has been used to designate both the channel and plug. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to because Figures 1-3 include several lead line without numerals corresponding therewith. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

On page 1 line 2, "has" should be "have".

On page 1 line 3, "must" should be deleted.

On page 3 line 17, "5,478,125" should be "5,476,125".

On page 6 line 12, "attach" should be "attached".

On page 6 line 20, "extend" should be "extent".

Note that time should be taken to carefully review the specification for any other informalities, grammatical or otherwise.

Appropriate correction is required.

Claim Objections

Claims 1-10 are objected to because of the following informalities:

In claim 1 line 3, "first" should be inserted before "cylindrical".

In claim 1 line 4, "first" should be inserted before "cylindrical".

In claim 1 line 4, "first" should be inserted after "a".

In claim 1 line 5, "first" should be inserted before "cylindrical".

In claim 1 line 6, "first" should be inserted before "support".

In claim 1 line 7, "first" should be inserted before "support".

In claim 1 line 8, "second" should be inserted after the second instance of "said".

In claim 1 line 13, "segments" should be replaced with "segment".

In claim 1 line 14, "the slurpie passages" lacks antecedent basis.

Art Unit: 3679

In claim 1 line 15, "the low point (of the vapor passage)" lacks antecedent basis.

In claim 1 line 15, "the fuel dispensing hose" lacks antecedent basis.

In claim 1 line 18, should "a nozzle" be "the nozzle" to reference the nozzle recited in line 1 of the claim.

In claim 2 line 1, should "a part" be "the part" to reference the part recited in line 1 of or is this part meant to be a separately recited part?

In claim 4 line 2, "is" should be inserted after "seal".

In claim 4 line 3, "the slurpie passage provided within the second support" lacks antecedent basis. The second support is never said to have a slurpie portion.

In claim 4 lines 4-5, "the slurpie passage provided within the first cylindrical portion" lacks antecedent basis. The first cylindrical portion is never said to have a slurpie portion.

In claim 5 line 2, "member" should be deleted.

In claim 5 line 3, "the coaxial hose" lacks antecedent basis.

In claim 5 line 6, is "the nozzle" to reference the nozzle or the nozzle segment?

In claim 6 line 3, "the fuel dispensing hose" lacks antecedent basis.

In claim 6 line 3, "the coaxial hose" lacks antecedent basis.

In claim 7 line 1, "first" should be inserted before "tube".

In claim 7 line 2, "connecting" should be replaced with "connects".

In claim 7 line 2, first" should be inserted before "tube".

In claim 7 line 3, "the slurpie passage provided within the first support" lacks antecedent basis. The first support is never said to have a slurpie portion.

Art Unit: 3679

In claim 8 line 2, "connecting" should be replaced with "connects".

In claim 9 line 3, "the low point" lacks antecedent basis.

In claim 9 line 3, "the vapor return portion" lacks antecedent basis.

In claim 9 line 3, "the fuel dispensing coaxial hose" lacks antecedent basis.

Due to the volume of informalities, time should be taken to correct the above noted informalities and also review the claims to ensure that they are clear and absent of any informalities.

Appropriate correction is required.

Allowable Subject Matter

Claims 1-10 are objected to, but would be allowable if rewritten to overcome the above noted objections. See ***Claim Objections*** above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

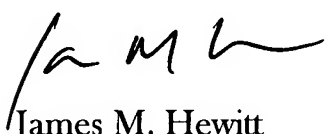
A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Art Unit: 3679

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hewitt whose telephone number is 703-305-0552. The examiner can normally be reached on M-F, 930am-600pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on 703-308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'J M H', is positioned above the printed name of James M. Hewitt.

James M. Hewitt
Patent Examiner
Technology Center 3600